

REMARKS

By the present amendment, claims 1, 2, and 14 have been amended to maintain the recitation of a “second” full-area or partial metal layer disposed on this surface relief structure, but to delete the recitation that the color or color effect of the first metallization is a “first” color or color effect, and to delete the recitation that “the second full-area or partial metal layer has a second coloration or a colour effect which is different from the first coloration or colour effect.”

Claims 6 and 18 have been amended to replace the recitation “at least one of a further functional layer and a decorative layer” by “a further layer containing at least one of visible dyes or pigments, luminescent dyes, dyes or pigments which fluoresce or phosphoresce in the visible, in the UV range or in the IR range, liquid crystals, pearl luster, bronzes, multilayer colour-change pigments, and heat-sensitive colours or pigments.”

Support for the added recitation is found in the original application, for example, at least in the paragraph bridging pages 9-10.

Claims 31-35 have been cancelled without admission, prejudice or disclaimer.

New claim 36 dependent on claim 18 and reciting that the further layer contains at least one of visible dyes and visible pigments.

Support for the added recitation is found in the Markush group of claim 18.

Claims 1-30 and 36 are pending in the present application. Claims 1, 2, and 14 are the only independent claims.

I. Lack of written description rejection

In the Office Action, claims 1-35 are rejected under 35 U.S.C. 112, first paragraph, as lacking written description.

It is alleged in the Office Action that the language “a first” full-area or partial metal layer “having a first coloration or colour effect” and “a second full area or partial metal layer” having “a second coloration or a colour effect which is different form the first coloration or colour effect”, which was added by the last amendment, is not described in the application as filed.

Reconsideration and withdrawal of the rejection is respectfully requested.

As a preliminary, claims 31-35 have been cancelled, so the rejection as applied to these claims is moot.

Further, claims 1, 2, and 14 have been amended to maintain the recitation of a “second” full-area or partial metal layer disposed on this surface relief structure, but to delete the recitation that the color or color effect of the first metallization is a “first” color or color effect, and to delete the recitation that “the second full-area or partial metal layer has a second coloration or a colour effect which is different from the first coloration or colour effect.”

In view of the above, it is submitted that the rejection should be withdrawn.

II. Indefiniteness rejection

In the Office Action, claims 1-35 are also rejected under 35 U.S.C. 112, second paragraph, as indefinite.

It is alleged in the Office Action that the language “second coloration or colour effect which is different from the first coloration or colour effect” is unclear as to how different they are, for example, whether the metals are different or the metal colors are different.

In addition, with respect to claims 6, 18, 31, and 32, it is alleged in the Office Action that the term “functional layers” is ambiguous because no function is stated, and thus, that it cannot be a “term of the art” as had been argued in the last response.

Reconsideration and withdrawal of the rejection is respectfully requested.

With respect to claims 1, 2, and 14, it is submitted that the amendments discussed above in Part I removed the recitations which were considered indefinite.

With respect to claims 6 and 18, the recitation “at least one of a further functional layer and a decorative layer” has been replaced by “a further layer containing at least one of visible dyes or pigments, luminescent dyes, dyes or pigments which fluoresce or phosphoresce in the visible, in the UV range or in the IR range, liquid crystals, pearl luster, bronzes, multilayer colour-change pigments, and heat-sensitive colours or pigments.”

In view of the above, it is submitted that the rejection should be withdrawn.

III. Previous art rejections based on US 5,913,543 to Curiel (“Curiel”)

Regarding the art rejections made in the previous Office Action, it is submitted that US 5,913,543 to Curiel (“Curiel”) discloses the metal layer, either above or under the hologram, but not both. In particular, when the metal is under, the hologram is “transparent,” and Curiel only discloses one “thin metal layer 5.” If a metal layer could be added above the hologram in this embodiment, the hologram could not be “transparent” as taught in Curiel.

In particular, as discussed in the previous response, when describing the embodiment of Fig. 5, Curiel describes various shapes of the “metallized or partially metallized upper surface” (col. 8, lines 5-8 and 21-27). In the embodiment of Fig. 5, the data is “applied over the substrate and hologram” (col. 8, line 15).

Conversely, when describing “another embodiment” (col. 10, line 38) in reference to Fig. 10, Curiel states that “[t]he embossed hologram 186 is transparent, but may, if desired, have a partially metallized underlying layer 188” (col. 10, lines 46-47). In this embodiment of Fig. 10, “the variable data will underlie the hologram, rather than overlying it as in the embodiment of FIGS. 5 through 9” (col. 10, lines 40-42). Thus, the term “transparent” as stated in this embodiment of Fig. 10 of Curiel confirms that, for Curiel, the embodiment with underlying metallized layer does not have another metallized surface at the upper portion of the hologram.

Since Curiel envisions and describes the upper and underlying metallizations separately and in embodiments that exclude a combination, because of where the variable data of Curiel is located, it is submitted that the person of the art would have been taught away from attempting to combine such embodiments.

In contrast, an advantage of the presently claimed invention is that a combination of a metallic layer under and a metallic layer on the relief structure makes it possible to provide an improved security features when combining the detectable effects of a metallic layer under the relief structure with the detectable effects of a metallic layer on the relief structure, such as to show both (i) a really clear text feature and (ii) a coloured holographic structure, for example.

This is not possible using a conventional lacquer layer or even a metallized layer as in Curiel, instead of the metallic layers of the present invention.

The features of the presently claimed invention and their advantages are not taught or suggested in Curiel. Therefore, the present claims are not anticipated by, and not obvious over, Curiel.

In view of the above, it is submitted that the rejection should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

If this paper is not timely filed, Applicant(s) respectfully petition(s) for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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